

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 IN THE STATE OF ARIZONA

3 In the Matter of

4
5 **MELANIE KOHOUT, M.D.**

6 Holder of License No. 23105
7 For the Practice of Medicine
8 In the State of Arizona.

Board Case No. MD-99-0918

Investigation No. 13410

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

(Letter of Reprimand and Probation)

9 This matter was considered by the Arizona Board of Medical Examiners ("Board")
10 at its public meeting on June 21, 2001. Melanie Kohout, M.D., ("Respondent") appeared
11 before the Board without legal counsel for a formal interview pursuant to the authority
12 vested in the Board by A.R.S. § 32-1451(G). After due consideration of the facts and law
13 applicable to this matter, the Board voted to issue the following findings of fact,
14 conclusions of law and order.
15

16 **FINDINGS OF FACT**

- 17 1. The Board is the duly constituted authority for the regulation and control of
18 the practice of allopathic medicine in the State of Arizona.
- 19 2. Respondent is the holder of License No. 23105 for the practice of medicine
20 in the State of Arizona.
- 21 3. Board Investigation Number 13410 was initiated after a complaint from a
22 Board Certified Psychiatrist that Respondent was prescribing higher than recommended
23 doses of Adderall and Effexor to a 28 year-old male patient ("Patient").
- 24 4. The investigation revealed that the Complainant Psychiatrist discovered the
25 prescribing of the higher than recommended doses in December 1999 during the course
of Patient's treatment at an acute care facility.

1 5. Respondent first treated Patient in June 1995 and diagnosed him as having
2 a major depressive disorder and Attention Deficit.

3 6. Respondent first prescribed Cylert to the Patient in July 1995. At the end of
4 July 1995, Respondent started Patient on Dexedrine. In September 1995, in response to
5 Patient's experiencing nausea and vomiting, Respondent changed Patient's medication
6 and added Wellbutrin.

7 7. During the next two years of Patient's treatment Respondent's notes
8 indicate that depression was not an issue, but Patient was changed to Effexor.

9 8. From May 1997 through September 1999, Respondent prescribed Patient
10 150 milligrams of Wellbutrin SR to be taken in the morning and 150 milligrams of
11 Wellbutrin SR to be taken in the afternoon; 600 milligrams of Effexor daily; and 60
12 milligrams of Adderall to be taken three times daily.

13 9. Respondent also prescribed Buspar to Patient.

14 10. Patient's chart did not contain any discussion of the differential diagnosis; of
15 the iatrogenic cause of Patient's presentation as opposed to primary psychiatric disorder;
16 or documentation of blood pressure checks.

17 11. Patient's diagnosis when admitted to the acute care facility under the care
18 of the Complainant Psychiatrist was amphetamine induced psychosis.

19 20 **CONCLUSIONS OF LAW**

21 1. The Board of Medical Examiners of the State of Arizona possesses
22 jurisdiction over the subject matter hereof and over Respondent.

23 2. The Board has received substantial evidence supporting the Findings of
24 Fact described above and said findings constitute unprofessional conduct or other
25 grounds for the Board to take disciplinary action.

3. The conduct and circumstances above in paragraphs 8 through 10 and 12 through 13 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) “[a]ny conduct or practice which is or might be harmful of dangerous to the health of the patient or the public.”

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that:

1. A Letter of Reprimand be issued to Respondent, Melanie Kohout, M.D., for the inappropriate prescribing of Adderall and Effexor;

2. Respondent shall within six (6) months from the effective date of this Order, obtain Forty (40) hours of Board Staff pre-approved Category 1 CME in psychopharmacology and provide Board Staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of Respondent's medical license.

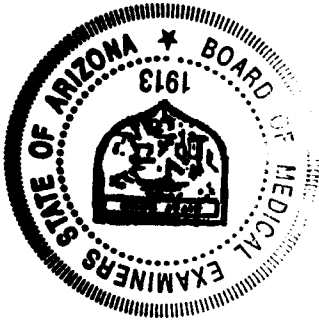
3. Respondent is hereby placed on probation for a period of three (3) years, effective from the date of this Order, during which time she will be subject to biannual chart reviews to monitor her prescribing habits.

RIGHT TO PETITION FOR REVIEW

Respondent is hereby notified that she has the right to petition for a rehearing. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with the Board's Executive Director within thirty (30) days after service of this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a rehearing. Service of this order is effective five (5) days after date of mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the Superior Court.

➤ DATED this 25th day of September, 2001.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By Claudia Foutz
CLAUDIA FOUTZ
Executive Director
TOM ADAMS
Deputy Director

ORIGINAL of the foregoing filed this
26 day of September, 2001 with:

The Arizona Board of Medical Examiners
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

Executed copy of the foregoing
mailed by U.S. Certified Mail this
26 day of September, 2001, to:

Melanie Kohout, M.D.
1921 South Alma School Road
Suite 210
Mesa, Arizona 85210-3038

1 Copy of the foregoing hand-delivered this
2 26 day of September, 2001, to:

3 Christine Cassetta
4 Assistant Attorney General
5 c/o Arizona Board of Medical Examiners
6 9545 East Doubletree Ranch Road
7 Scottsdale, Arizona 85258
8 Counsel for the Board

